

REMARKS

The above amendments and following remarks are submitted under 37 C.F.R. 1.116 in response to the Final Official Action of the Examiner mailed January 7, 2005. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

Claims 1-4, 6-14, 16-18, and 21-25 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,070,150, issued to Remington et al. (hereinafter referred to as "Remington"). This ground of rejection is respectfully traversed as to the amended claims for the following reasons.

Of the seven (7) claimed elements of claim 1, the Examiner has repeatedly found six (6) to be "inherent". The Examiner and Applicant have had substantial opportunity to demonstrate their disagreements with regard to whether or not the Examiner has met his burden under MPEP 2112. Nevertheless, claim 1, as amended, requires the delivery facility to deliver "said spooled report after reaching said particular date and in response to said log-on service request". In other words, the claim requires delivery of the report automatically in response to user sign-on. There is no need for the user to request the report. It just appears at sign-on.

Yet the Examiner continues to rely upon Remington, column 8, lines 17-22, which states:

The consumer computing unit 114 receives the bill 128 and remittance information 130 from the network 116. In one implementation, the bill and remittance information arrive in the form of an email message or a notification for the consumer to check a billing mailbox to retrieve electronic bills.

In other words, Remington requires that the consumer request delivery of the report by way of e-mail or checking a billing mailbox. Not only does Remington not teach (expressly or inherently) automatic delivery upon sign-on, but it requires that the consumer actually request delivery of the billing information.

Independent claims 6, 11, and 16 have already been limited to automatic delivery in response to sign-on. No user request for the information is needed. Apparently, this aspect of Applicants' invention has been previously overlooked.

Claim 21, as originally presented, is limited to a plurality of user terminals wherein each of the plurality of terminals is sent the very same report. Though the Examiner cites a number of portions of Remington in making his rejection of claim 21, he fails to indicate any showing of sending the same report to a plurality of consumers.

Remington does not explicitly state that it sends different billing information to different consumers, because it only shows one consumer. However, it seems highly unlikely that if Remington

had a plurality of consumers, it would send them all the same billing information. In fact, not only is sending the same report to a plurality of users not an inherent feature of Remington, it would seem quite undesirable to send someone's personal billing information to a plurality of other users.

Applicants have previously presented substantial arguments concerning the patentable distinctiveness of each of the dependent claims. Whereas it is acknowledged that the Examiner has provided his somewhat contrary views on the matter, the primary issues on final rejection seem to be the patentability of independent claims 1, 6, 11, 16, and 21 over the Remington reference. In response thereto, it remains Applicants position that independent claims 1, 6, 11, and 16 are limited by automatic delivery upon sign-on of the user, without the need to actually request the report, as is true for the billing information of Remington. Furthermore, independent claim 21 is limited by automatic delivery of the very same report to a plurality of user terminals. Neither of these features is expressly or inherently found in Remington.

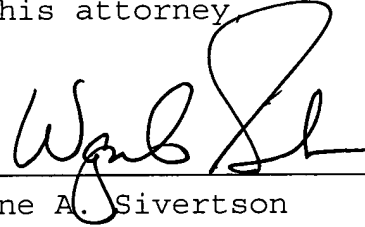
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By his attorney,

A handwritten signature in black ink, appearing to read 'Wayne A. Sivertson', written over a horizontal line.

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